

REMARKS

Comments of the applicant are preceded by related comments of the examiner in small, bold type.

2. Claims 1, 2, 5-14, 16, 17, 19, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al. (U.S. Patent 6,262,980) in view of Gilhousen et al. (US 5,864,760).

...

Leung fails to specifically disclose reducing of the transmission power being dynamically determined based on the determined current state of transmissions in the at least one other sector of the cell or the sector in another cell. However, in an analogous art, Gilhousen teaches reducing of the transmission power being dynamically determined based on the determined current state of transmissions in the at least one other sector of the cell or the sector in another cell. See col. 6, lines 4-19. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Leung by incorporating the features taught by Gilhousen for the purpose of avoiding having to reduce transmit power of all sectors of the cell and thereby conserving system resources.

Gilhousen discloses reducing the amount of interference experienced by a mobile unit (e.g., mobile unit A) by reducing ineffectual forward link transmissions to a mobile unit (e.g., mobile unit B) that is in a softer handoff mode. When a mobile unit (e.g., mobile unit B) enters a softer handoff mode, the mobile unit B simultaneously communicates with multiple sectors (e.g., sector S and sector T) of a single base station. The Gilhousen system compares the reverse link strength (or forward link strength) from each of the sectors S and T in communication with the mobile unit B, and reduces the forward link transmission power for the sector (e.g., sector T) having the weakest reverse link signal strength (or weakest forward link signal strength). This reduction of the forward link transmission power for sector T has the effect of reducing the amount of interference experienced by another mobile unit (e.g., mobile unit A) in sector S or sector T.

The techniques disclosed in Gilhousen for altering the signal-to-interference ratio of a mobile unit (e.g., mobile unit A) in a sector (e.g., sector S or sector T) are only applicable in scenarios in which there is a mobile unit (e.g., mobile unit B) that simultaneously communicates with both of the sectors S and T. In such scenarios, there is an "ineffectual forward link transmission" to the mobile unit B that may be reduced, where a determination can be made as to which of the multiple forward link transmissions to the mobile unit B is "ineffectual." Gilhousen does not disclose or make obvious a method in which "the signal-to-interference ratio [of at least one user in the first sector is] altered by temporarily reducing transmission power on a forward

link in the second sector, the reducing of the transmission power being dynamically determined based on a determination of a current state of transmissions to one or more users in the second sector, each of the one or more users in the second sector being in communication with the communication system only via the second sector" as recited in amended claim 1.

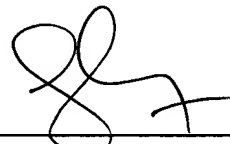
Claims 16 and 19 include similar features and are patentable for at least the same reasons.

The dependent claims are patentable for at least the same reasons given with respect to the independent claims from which they depend.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Enclosed is a \$510.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,



Mandy Jubang
Reg. No. 45,884

Date: 10/12/06

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906